

### **REMARKS/ARGUMENTS**

This Amendment is in response to an a Restriction Requirement in which claims 1-20 as pending are now considered to fall within four separate inventive group; namely, claims 1-16 and 20 (group 1); claims 7-12 (group 2); claims 13-17 (group 3); and claims 18-19 (group 4). Applicant respectfully traverses the Restriction Requirement in accordance with MPEP §803. As set forth in MPEP §803:

The claims of an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct.

*If the search and examination of all of the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct invention.* Emphasis added.

Here, the Examiner has already examined claim 1-19 and issued an Office Action where, at this stage of prosecution, at least claim 14 includes patentable subject matter. Applicant has responded to the Office Action, and in response, has received a Restriction Requirement after examination has already proceeded and a search has been conducted. Therefore, examination can proceed without serious burden. In fact, no evidence has been provided by the Examiner as to why a serious burden would be placed on the Examiner if the restriction is not required. Such evidence appears to be required under MPEP §§ 803, 808, 808.2.

Hence, Applicants respectfully request the Examiner to continue examination of the pending claims. In the event that an election is required, Applicants respectfully elects Group III and respectfully requests the Examiner to contact the undersigned attorney to discuss this matter in detail as discussed in our telephone conference on February 25, 2008.

#### ***Allowable Subject Matter in Elected Group***

Applicants note with appreciation the Examiner's indication of allowable subject matter. The Examiner objects to claim 14 as being dependent on a rejected base claim, but indicates that the claims would be allowable if rewritten in independent form. Applicants have amended independent claim 13 to include the limitations of dependent claim 14. Claim 14 has been

cancelled without prejudice. Hence, Applicants respectfully submit that independent claim 13 and all claims that dependent therein are in condition for allowance.

***Conclusion***

In view of the remarks made above, it is respectfully submitted that pending claims 1-19 are allowable over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 02/25/2008

By

  
William W. Schaal

Reg. No. 39,018

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025